

SENATE BILL 1928  
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 5, relative to the practice of cremation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-5-101, is amended by adding the following as new items thereto:

( ) "Cremating" or "cremation" means the process by which a dead human body or body parts are reduced to bone fragments through combustion and evaporation;

( ) "Crematory facility" means a facility or building that houses a crematory and is licensed by the board;

( ) "Crematory operator" means the person who is in charge of the licensed crematory facility and is licensed by the board;

( ) "Crematory technician" means a full time employee of a crematory facility who is trained to perform cremations and is registered by the board;

( ) "Registrant" means a person who is registered with the board to perform the activities and duties associated with a crematory technician;

SECTION 2. Tennessee Code Annotated, Section 62-5-101, is amended by deleting subsection (8) and subsection (9) in their entirety and by substituting instead the following:

(8) "Licensee" means a crematory operator, embalmer or funeral director who holds a license issued by the board;

(9) "Licensing period" means the period of time that a funeral director's, embalmer's or crematory operator's license is in effect in Tennessee.

SECTION 3. Tennessee Code Annotated, Section 62-5-303, is amended by deleting the section in its entirety and by substituting instead the following:

§ 62-5-303. Licensing requirement - (a)(1) In order to safeguard life and health and to prevent the spread of contagious diseases, and to improve sanitary conditions and public health generally, it is required that only properly qualified persons shall engage in funeral directing, embalming, cremating, or operating a funeral establishment or a crematory facility.

(2) Any person engaged in funeral directing, embalming, cremating, or operating a funeral establishment or a crematory facility in this state shall be licensed or registered by the board herein created prior to engaging in such business.

(b) It is unlawful for any person to engage in, or offer to engage in funeral directing, embalming, or operation of a funeral establishment unless such person or business has been duly licensed under the provisions of this chapter.

(c) It is unlawful for any person to engage in the act of cremating dead human bodies unless such person is a licensed crematory operator or a crematory technician who is acting under the direct supervision of a crematory operator.

SECTION 4. Tennessee Code Annotated, Title 62, Chapter 5, Part 5, is amended by adding the following as new appropriately designated sections:

62-5-5\_\_.

(a) Any person, partnership, firm, association, corporation or other entity doing business in this state that erects, maintains, or provides the necessary appliances and facilities for the cremation of human remains and that conducts cremations must be licensed by the board, beginning July 1, 2004. The license must be available to the board for inspection.

(b) A person in charge of a licensed crematory facility must be licensed as a crematory operator by the board. The license must be displayed in a conspicuous place in the crematory facility.

(c) The board may require of an applicant for licensure such information and evidence of qualifications as are reasonably necessary to protect the public safety and welfare.

62-5-5\_\_.

(a) Every person, partnership, firm, association or corporation doing business in this state desiring to commence the operation of a crematory facility after July 1, 2004, shall apply to the board and pay a fee as set by the board.

(b) All applications must be verified under oath and show the:

(1) Name of establishment;

(2) Location; if more than one (1) location, each separate location must be listed; and

(3) Names and addresses of all licensed crematory operators and crematory technicians with designation as to whether they are part-time or full-time employees.

(c) No license may be issued unless the crematory facility has been inspected and approved as meeting all requirements as set forth by the board, the Department of Health, and any local ordinance regulating the same. In the event any of the board's requirements conflict with those of the Department of Health or the local governmental entity, the crematory shall comply with the requirements of the board.

62-5-5\_\_.

(a) Except as provided in this section, every person desiring to engage in the practice or business of being a crematory operator shall apply to the board and pay a fee as set by the board. The application must be verified under oath, containing the name of the applicant, showing the applicant to be:

(1) At least eighteen (18) years of age;

(2) A citizen of the United States;

(3) Of good moral character;

(4) A high school graduate evidenced by a certificate or diploma, or having the equivalent of a high school education, to the satisfaction of the board; and,

(5)(A) That the applicant has satisfactorily completed practical training and experience of not less than two (2) years while serving as a crematory technician and that, during such period, the applicant has assisted in at least twenty-five (25) cremations.

(B) After the effective date of this act and prior to July 1, 2007, in lieu of providing proof of training as required by section (a)(5)(A), an applicant may provide proof of having obtained equivalent experience as determined by the board.

(6) Pass an examination approved by the board that tests the applicant's ability to perform the acts of a crematory operator.

(b) Registrants, upon entering the employ of a crematory operator, with the intent of obtaining a license as a crematory operator, shall register with the board as a crematory technician, by filing an application form approved by the board and paying to the board a registration fee in an amount to be established by the board. Any applicant who enters the employ of a crematory operator shall report on a quarterly basis to the board such information as the board may require.

(c) The registration shall be valid for a period of two (2) years from the date of registration.

(d) A crematory technician may generally perform the acts of a crematory operator except as limited by law or the rules promulgated. A crematory technician shall be under the direct supervision of a full-time crematory operator. The board may limit the number of crematory technicians a crematory operator may supervise.

(e) Prior to July 1, 2006, any person holding a current funeral director or embalmer's license shall be eligible to have a crematory operator's license issued to him or her after

providing evidence of qualifications to operate a crematory to the board. The board may set such qualifications by rule.

62-5-5\_\_.

(a) No person may conduct, maintain, manage, or operate a crematory facility unless a license for such facility has been issued by the board.

(b) The board shall establish by rule standards for crematory facilities, including, but not limited to, requirements for refrigeration and storage of dead human bodies, use of forms and contracts, and record retention.

(c) A change in ownership of a crematory facility shall be promptly reported to the board and no change of ownership will be granted until the crematory undergoes a new inspection and is determined to have complied with the facility requirements of the board.

(d) The board may adopt rules requiring each facility to submit periodic reports to the board which include the names of persons cremated, the date and county of death, the name of each person supervising each cremation, the name and license number of the establishment requesting cremation, and the types of containers used to hold the body during cremation.

(e) No more than one dead human body may be placed in a retort at one time, unless written permission has been received from a legally authorized person for each body.

(f) Each crematory facility shall at all times be subject to the inspection of all its buildings, grounds, and vehicles used in connection with its business, by the board, the Department of Health, and local government inspectors and by their agents. The board may adopt rules that establish such inspection requirements.

(g) A crematory facility licensed under this section shall only receive dead human bodies for cremation. A crematory facility may not receive other materials, such as medical, hazardous, and biohazardous waste, for the purpose of disposal in a retort.

(h) Each crematory facility shall be under the general supervision of a licensed crematory operator who shall be responsible for ensuring that the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules.

SECTION 5. Tennessee Code Annotated, Section 62-5-201 (a), is amended by inserting in the third sentence the language “, embalmers, or crematory operators” immediately following the language “licensed funeral directors”.

SECTION 6. Tennessee Code Annotated, Section 62-5-201(a), is further amended by deleting in the fourth sentence the language “funeral director or embalmer” and substituting instead “funeral director, embalmer, or crematory operator,”.

SECTION 7. Tennessee Code Annotated, Section 62-5-315(a), is amended by deleting the language “funeral directors or embalmers,” and substituting instead “funeral directors, embalmers, crematory operators and crematory technicians,”.

SECTION 8. Tennessee Code Annotated, Section 62-5-315(b), is amended by inserting the language “and crematory facilities,” immediately following the language “funeral establishments,”.

SECTION 9. Tennessee Code Annotated, Section 62-5-315(c), is amended by inserting the language “crematory operator, crematory technician, crematory facility,” immediately following “embalmer”.

SECTION 10. Tennessee Code Annotated, Section 62-5-316, is amended by deleting the word “license” wherever it appears and substituting the language “license or registration”.

SECTION 11. Tennessee Code Annotated, Section 62-5-317(a), is amended by deleting the word “license” wherever it appears and substituting the language “license or registration”.

SECTION 12. Tennessee Code Annotated, Section 62-5-317(b), is amended by deleting the language “any license granted for the operation of a funeral establishment or to any funeral director or embalmer under the provisions of this chapter” and substituting in its place the language “any license or registration granted for the operation of a funeral establishment,

crematory facility or to any funeral director, embalmer, crematory operator or crematory technician under the provisions of this chapter”.

SECTION 13. For purposes of promulgating rules and regulations and issuing crematory operator licenses pursuant to currently licensed funeral directors this act shall take effect on becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2004, the public welfare requiring it.